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*Joint Appropriations Subcommittee on Natural Resources and Transportation*

**HB22 ADJUDICATION PROGRESS**

December 31, 2008

**EXHIBIT** 1

**DATE** 1/13/09

**Claims Examination Progress**

- First benchmark 8,000 claims by 12-31-2006
  - Second benchmark 19,000 claims by 12-31-2008
  - Claims examined July 2005 thru **December, 31 2008**      **29,184**
  - Claims examined by Purpose
    - o Irrigation                      6,347      22%
    - o Stock                            17,413     59%
    - o Domestic                        3,292     11%
    - o Other                             2,132     7%
- 29,184**

**Claims remaining to be examined**

**27,816**

Total Claims examined based on original

remaining 57,000 claims (57,000 – 27,816) =

**\*29,184**

\*1470 claims were examined prior to enactment of HB22

**Summary Reports to Water Court**

Union Creek (part of 76F)	May 19, 2005
Teton River (41O)	August 15, 2005
Big Hole River (41D)	October 31, 2006
Tongue River, below Hanging Woman Creek (42C)	August 7, 2007
Blackfoot River (76F)	August 14, 2007
Missouri River, from Holter Dam to Sun River (41QJ)	August 15, 2007
Tongue River, above Hanging Woman Creek (42B)	December 5, 2007
Pryor Creek (43E)	August 18, 2008
Smith River (41J)	September 1, 2008
Beaver Creek (40M)	September 1, 2008
Flatwillow Creek (40B)	September 11, 2008
Milk River (40J)	December 5, 2008

**Decrees Issued by Water Court**

Teton Basin Decree	December 29, 2005	2,500 claims
Union Creek Decree	March 10, 2006	42 claims
Big Hole River Decree	April 6, 2007	3,892 claims
Missouri River 41QJ	Feb 6, 2008	2,584 claims
Tongue River 42C	Feb 28, 2008	4710 claims
Tongue River 42B	Feb 28, 2008	1345 claims
Forest Service Compact	May 19, 2008	262 rights

Above decrees scanned and available at: [http://dnrc.mt.gov/wrd/water\\_rts/adjudication](http://dnrc.mt.gov/wrd/water_rts/adjudication)

<b>BASINS BY COMPLETION DATE - DNRC WORK PLAN 2009</b>				
BASIN COUNT	BASIN NAME	WORK STATUS	EST COMPLETE DATE	
1	Little Big Horn River (43O)	Summary prep pending	1	2009
2	Big Muddy Creek (40R)	Examination in progress	3	2009
3	Big Horn R below Greybull R (43P)	Summary prep pending	7	2009
4	Beaverhead River (41B)	Examination in progress	7	2009
5	Rosebud Creek (42A)	Summary prep pending	7	2009
6	Shoshone River (43N)	To be Examined	8	2009
7	Peoples Creek (40I)	Summary prep pending	12	2009
8	Arrow Creek (41R)	Examination in progress	7	2010
9	Missouri R to Marias (41Q)	Examination in progress	7	2010
10	Flathead River (76LJ)	Examination in progress	12	2010
11	Milk River above Fresno (40F)	Summary prep pending	7	2011
12	Flathead R below Flathead Lake (76L)	Examination in progress	10	2011
13	Red Rock River (41A)	Examination in progress	3	2012
14	Cut Bank River (41L)	Summary prep pending	7	2012
15	St. Mary River (40T)	Summary prep pending	7	2012
16	Two Medicine River (41M)	Summary prep pending	8	2012
17	Yellowstone R below Powder R (42M)	To be Examined	8	2012
18	Marias River (41P)	Examination in progress	4	2014
19	Missouri R from Marias to Bullwacker (41T)	Examination in progress	5	2014
20	Missouri R between Bullwacker & Musselshell (40EJ)	To be Examined	3	2015
21	Bitterroot R, E side (76HA)	Examination in progress	6	2015

### District Court Enforcement Actions

- Completed water court assistance on 23 streams 2005 season
- Completed water court assistance on 23 streams 2006 season
- Completed water court assistance on 26 streams 2007 season
- **Completed water court assistance on 32 streams 2008 season**
- Automated indexes are now in use

### Expenses

YTD FY09:	Operating Costs	\$ 191,888.00
	Personnel services	<u>\$ 882,515.00</u>
	Total	\$ 1,074,403.00
	Budget	\$ 2,597,873.00

### Billing System

- 108,000 bills mailed Dec. 27, 2005
- 18,552 2<sup>nd</sup> bills mailed March 1, 2006
- Estimated revenue generated \$6.2 million
- Revenue received \$5.188 million representing 93,737 invoices paid (in full /or part)

### Appeals

- 5,026 Appeals received to date
  - o 3,053 appeals based on ownership;
  - o 1,973 appeals based on fee calculation
- 3755 appeals have been resolved to date (999 denied, 2756 resolved with fee correction)
- 1271 appeals remain

### Ownership Records / Forms Received

(Form 608) Ownership Updates

(Form 602) Notices of Completion of Groundwater Development (wells 35gpm or less)

Fiscal Year	608 Counts	602 Counts
<b>2009</b>	<b>1268</b>	<b>1351</b>
2008	4996	2870
2007	6098	3720
2006	13998	5948
2005	5414	3453
2004	4780	3053

- **HB 39 Automate Ownership Updates effective July 1, 2008**
  - o Contract is finalized and Tyler Inc is developing the program for DOR to pass thru new property owner names to DNRC for updating water right records. Anticipate testing program in January 2009.
  - o Geocodes were loaded into DNRC database in June 2008.

- Redesign of DOR Realty Transfer Certificate completed and posted on DOR web July 1, 2008. Print version is currently at the printers.

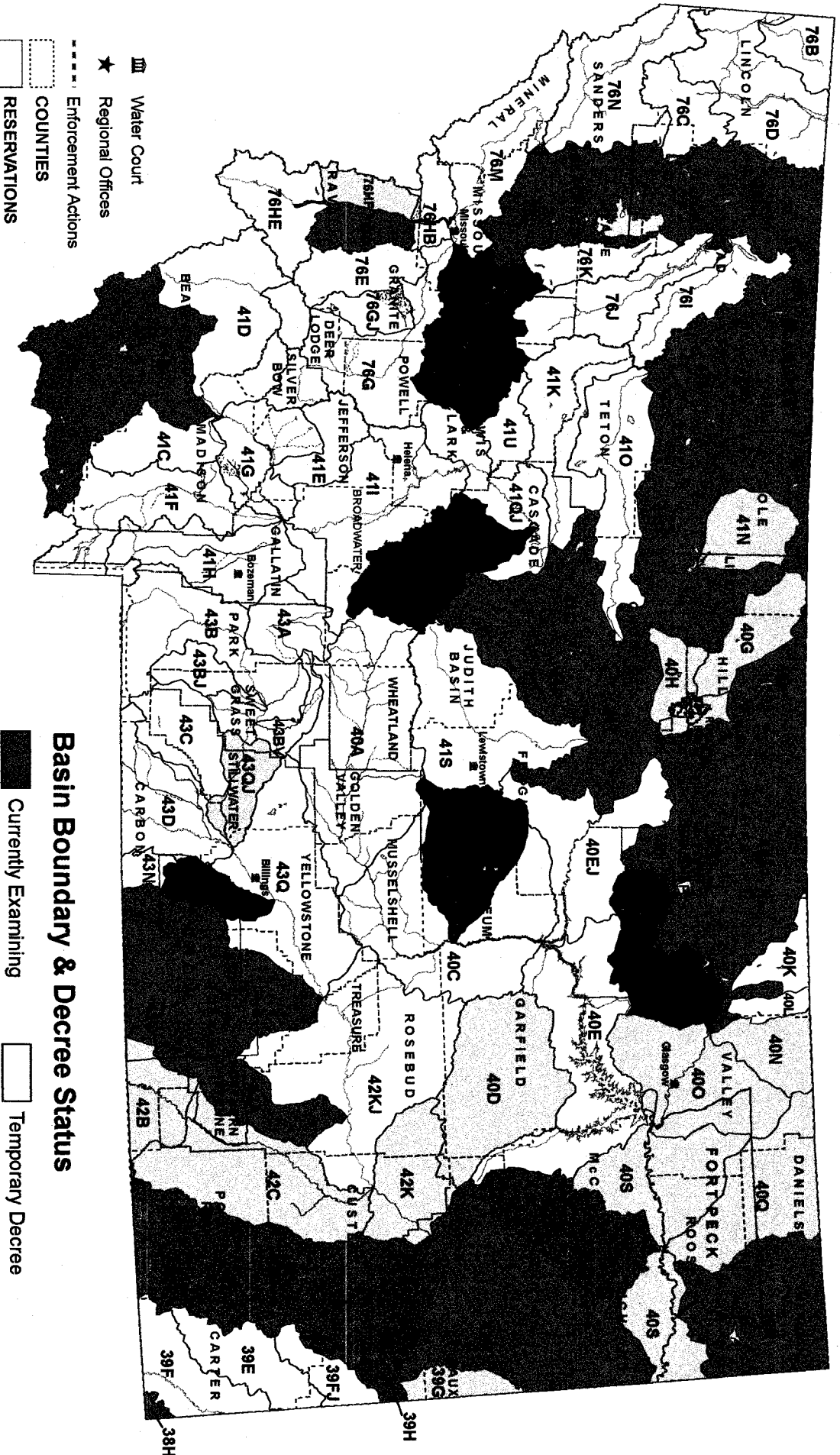
#### **Database Progress**

- **Final testing** of Reserved Water Right Compact water right records, automating annual reporting and implementing subordination provisions. Anticipated completion date – April 2009.
- Moved Water Right Database to ITSD in May 2007.
- Automated water court objection list (120 hours) August 2007

# Basin Location and Adjudication Status

1/6/09

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Water Resources Division  
January 2009  
Montana State Plane NAD 83

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